## IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF TENNESSEE AT KNOXVILLE

JERRY WEST,	)	
	)	
Plaintiff	)	
	)	
<b>v.</b>	)	Case Number:
	)	Judge:
ALLSTATE INDEMNITY COMPANY,	)	Magistrate:
	)	
Defendant.	)	

## NOTICE OF REMOVAL OF CIVIL ACTION

Comes now the Defendant, Allstate Indemnity Company (hereinafter referred to as "Allstate"), pursuant to 28 U.S.C.A. §§ 1332, 1441(a) and (c), and 1446, and hereby gives notice of removal of this civil action from the Circuit Court of Morgan County to the United States District Court for the Eastern District of Tennessee at Knoxville, and alleges as follows:

- On or about December 7, 2006, Plaintiff, Jerry West, filed a Complaint against
   Allstate Indemnity Company in the Morgan County Circuit Court, Tennessee, at
   Wartburg, Tennessee, under case number 6546C, a copy of which is attached
   hereto as Exhibit "A."
- On December 27, 2006, Allstate was served with a copy of the Complaint via the Tennessee Department of Commerce and Insurance. No proceedings on the Complaint have transpired in the Morgan County Circuit Court.
- 3. Plaintiff, Jerry West, is a citizen and resident of Morgan County, Tennessee residing in Wartburg, Tennessee at all times material to this litigation.

- Allstate is a foreign corporation with its principal place of business in Northbrook, Illinois.
- 5. The Complaint filed by Jerry West seeks compensatory damages for real and personal property in the amount of One Hundred Thirty One Thousand, Two Hundred Fifty Dollars (\$131,250.00); costs to be taxed to Allstate; and such other and further relief to which the Plaintiff may be entitled, without an amount delineated.
- 6. In diversity cases, a District Court has jurisdiction "where the matter and controversy exceeds the sum or value of Seventy Five Thousand Dollars (\$75,000.00), exclusive of interest and costs," 28 U.S.C. § 1332(a). In the present matter, Plaintiff seeks compensatory damages in the amount of One Thirty One Thousand, Two Hundred Fifty Dollars (\$131,250.00). However, Plaintiff also seeks recovery of any additional award to be proffered upon him by the Court. Clearly, the delineated damages, as well as any potential aggregate damages, well exceed the Seventy Five Thousand Dollar (\$75,000.00) limit.
- 7. There is complete diversity of citizenship between Jerry West, Plaintiff, and Allstate Indemnity Company, Defendant, and the amount in controversy in this case, exclusive of interests and costs, clearly exceed the Seventy Five Thousand Dollar (\$75,000.00) threshold. This Court has original jurisdiction of this case pursuant to 28 U.S.C.A §1332.
- Allstate has filed a copy of this Notice with the Circuit Court for Morgan County,
   Tennessee, and has also served a copy on the attorney for the Plaintiff, Jerry
   West.

9. Counsel for Allstate Insurance Company, Michele E. Cooper, is duly licensed to practice in the United States District for the Eastern District of Tennessee, and a Certificate of Good Standing from the United States District Court for the Middle District of Tennessee is attached hereto as Exhibit "B."

WHEREFORE, Allstate requests that this action be removed from Circuit Court for Morgan County to the United States District Court for the Eastern District of Tennessee, at Knoxville.

We respectfully demand a jury of six (6) to hear this matter.

Respectfully submitted,

s/ MICHELE E. COOPER
MICHELE E. COOPER, BPR #17312
MILLS & COOPER
P. O. Box 24969
Nashville, TN 37202-4969
(615) 221-8218

## **CERTIFICATE OF SERVICE**

Notice of this filing will be sent by operation of the Court's electronic filing system to all parties indicated on the electronic filing receipt. All other parties will be served by regular U.S. mail. Parties may access this filing through the Court's electronic filing system. The Plaintiff's counsel was sent a copy of this Pleading by U. S. Mail as follows:

James W. Brooks, Jr. Attorney at Law PO Box 160 Wartburg, TN 37887

on this 8th day of January, 2007.

s/ MICHELE E. COOPER
MICHELE E. COOPER